



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114

The Commission has received several inquiries about its policies and procedures concerning the relationship between out-of-state distillers, manufacturers, vinters, growers and other vendors ("suppliers") who sell or wish to sell alcoholic beverages in Massachusetts and in-state individuals or corporations the ABCC licenses as agents, solicitors or brokers ("brokers").

The law governing sale and distribution of alcoholic beverages in Chapter 138 of the Massachusetts General Laws ("M.G.L.") under Section 18B an out-of-state supplier who wants to ship into the Commonwealth must obtain a Certificate of Compliance from the Commission. The supplier must be licensed by the state or country from which the alcoholic beverages are to be shipped into Massachusetts. The annual fee for the Certificate is \$100.00 or \$500.00 depending on the volume shipped.

The Certificate grants the supplier the right to ship alcoholic beverages to a licensed wholesaler (or wholesalers) of its choice. It does not authorize the supplier or its own representatives, agents, employees the right to solicit, broker, promote or otherwise deal with wholesalers or retailers here.

If a supplier wishes to be represented by someone other than its wholesaler's employees, it may do so in two ways. First, it may ask the Commission to approve a Section 18A broker's license for a person who is both a citizen and resident of Massachusetts, or a partnership composed solely of such individuals or a Massachusetts corporation or out-of-state foreign corporation admitted to do business in Massachusetts. The second choice is for the supplier to request its own broker's license for an employee, agent or representative or for itself if it is a foreign corporation admitted to do business here.

A licensed broker is allowed to contact and solicit orders from wholesalers on behalf of the supplier he or she represents. A broker's license costs \$5,000.00 annually.

On Section 18A the terms "Agent", "Broker" and "Solicitor" are used interchangeably. In this letter, Section 18A licensees are referred to as "Brokers".

Finally, any broker may hire salespersons to promote products and solicit orders if the Commission approves a permit for that person under the provisions of Section 19A. The cost of that permit is \$200.00 annually.



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CHAPTER 138: SECTION 18A. LICENSES FOR AGENTS OR BROKERS OR FOREIGN
MANUFACTURERS AND IMPORTERS; RECORDS; FEES.

Section 18A. The Commission may issue to any individual who is both a citizen and resident of the commonwealth, or to any corporation organized under the laws of the commonwealth or organized under the laws of any other state of the United States or foreign country an admitted to do business in the commonwealth, a license which shall authorize the licensee to act as agent, broker or solicitor for any specified individual, corporation or partnership in another state or foreign country engaged in the business of manufacturing, importing or selling alcoholic beverages, hereinafter called the principal, and, on behalf of such principal, to solicit orders for such beverages from holders of licenses under section eighteen only. A license granted hereunder shall authorize representation of one principal, but the license may also, in the discretion of the commission, be licensed hereunder to represent other principals. No licensee hereunder shall buy or sell alcoholic beverages for his own account, and no such beverages shall be brought into the commonwealth in pursuance of the exercise of such a license otherwise than through a licensee under said section eighteen.

Licensees hereunder shall keep such records as the commission may require, which shall open to inspection by its investigators at any reasonable time. The annual license fee for each license issued under this section shall be one thousand dollars. Whoever acts as aforesaid as such agent, broker or solicitor without being licensed to do hereunder, or whoever being so licensed violates any provision of this section or of any condition or stipulation in his license shall be subject to the penalties prescribed by section two.



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**AGENT, BROKER or SOLICITOR APPLICANTS
(M.G.L. c. 138, s 18A)
LICENSING PROCEDURES**

All Applicants Must Complete MONETARY TRANSMITTAL FORM.

Attach your PAYMENT and APPLICATION to the TRANSMITTAL FORM and

MAIL TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
POST OFFICE 3396
BOSTON, MA 02241-3396**

LICENSE FEE: \$5,000.00

(If representing MORE THAN ONE PRINCIPAL, please refer to the Schedule Fee Policy below.)

FEES: SALESMAN Permit - \$200.00
TRANSPORTATION Permit - \$150.00

Proof of Massachusetts residency is required of all new salesmen. (This can be done through Driver's License or voter registration card)

TRANSPORTATION APPLICATIONS: If a vehicle is leased or rented, a copy of the leasing/rental agreement must accompany the application. Vehicles must be registered in Massachusetts.

All applications must be signed by an OFFICER of the Corporation.

IF APPLICANT IS:

- A. CORPORATION/FOREIGN CORPORATION:** Submit a proof of corporate organization under the laws of the commonwealth, or organized under the laws of any other state of the United States, or any foreign country and admitted to do business in the commonwealth, as issued by the Secretary of the State of Massachusetts.
- B. INDIVIDUAL/PARTNERSHIP:** Must be both a citizen and resident of the Commonwealth of Massachusetts, or in a partnership composed solely of such individuals. An individual and/or each partner must complete and sign FORM A.

Schedule of Fees - POLICY

1. With Commission approval, an Agent, Broker or Solicitor may represent any number of **disclosed** principals. (Principals – Certificate of Compliance Holders)
2. The fee for a license authorizing representation of one principal is \$5,000.00
3. With respect to representation of additional principals, the Commission will waive so much of the additional fee as exceeds five hundred dollars (\$500.00) per principal or exceeds a total fee (including the basic fee) of ten thousand dollars (\$10,000.00).
4. In summary, the Broker's fee shall be \$5,000.00 plus \$500.00 for each additional principal, with a maximum fee of \$10,000.00.
5. This policy was put into effect January 1, 1994. Fee increase effective July 1, 2003.

NOTE: A separate Agent, Broker or Solicitor application **MUST BE COMPLETED** and submitted for approval for **EACH PRINCIPAL** you wish to represent in Massachusetts along with the appropriate fee.

If you represent more than one principal, please attach to your application a list of those principals. This list should accompany each application that is filed.

Any questions, please call Terri Strianese (617) 727-3040 x 308.



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**Application for a License to act as Agent, Broker or Solicitor
under provisions of Section 18A, of Chapter 138 of the General Laws, as amended.**

Dated at.....

The undersigned hereby applies for a license to act as Agent, Broker or Solicitor for:

(Name of principal for whom applicant is to act)

(Address of principal's place of business)

(Type of license held by principal. State full and correct name of licensing authority.)

It is understood by the applicant that the license being applied for authorizes the solicitation of orders for alcoholic beverages from holders of Wholesalers' and Importers' licenses only for such alcoholic beverages as such holders under their respective licenses are authorized to sell.

THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY

(Print name of applicant)

(Signature of applicant or authorized agent)

(Address)

(Telephone Number)

If the application is made by an individual or a partnership, satisfactory proof of citizenship and of residence in this Commonwealth shall be furnished for each individual.

If the application is made on behalf of a corporation, satisfactory evidence that a citizen of the United States with full power and authority over all business relative to alcoholic beverages has been appointed to act as manager or principal representative for this purpose shall be furnished.

If the application is made on behalf of a foreign corporation, satisfactory evidence that it has been admitted to do business in Massachusetts shall also be furnished.

License Fee \$5,000.00

Enclosed find: Money Order or Check (Please circle one)

CERTIFICATE OF APPOINTMENT TO ACT AS AGENT, BROKER OR SOLICITOR
(Not to be filled out if the application on the reverse side is made on behalf of a foreign corporation
to act as Agent, Broker or Solicitor on its own account.)

The undersigned, being the holder of

(State type of license held)

License No. _____ issued by

(State full and correct title of licensing authority)

for the sale of

(State kind of alcoholic beverages)

hereby certifies that

(Name of individual, individuals or corporation appointed)

has been appointed to act as Agent. Broker or Solicitor for the purpose of soliciting orders for alcoholic beverages from the holders of Wholesalers' and Importers' licenses in the Commonwealth of Massachusetts for our account.

THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY

(Typewrite or print – Do not write – full and correct name)

(Signature)

(Mail Address)

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Social Security Number
Or Corporate Name

Signature of Individual

Date

Federal Identification Number
(if applicable)

Corporate Officer

Date



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AGENT, BROKER OR SOLICITOR APPLICANTS

I hereby advise that

(Print or type name of Principal, Certificate of Compliance Holder)

Whom I represent in Massachusetts under an **Agent, Broker or Solicitor's License, No.**_____ is offering for sale in Massachusetts the following brands and kinds of alcoholic beverages, and the name of the Massachusetts Wholesaler/Importer distributing each item. **(Please inform the Commission immediately of any additions.)**

BRANDS/KINDS

(Additional pages may be attached)

WHOLESALER/IMPORTER

List all Principals (Certificate of Compliance Holders) you presently represent in Massachusetts.

| Name | Address | Phone | Certificate # |
|------|---------|-------|---------------|
|------|---------|-------|---------------|

| | | | |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

THE ABOVE STATEMENTS ARE MADE UNDER THE PAINS AND PENALTY OF PERJURY.

SIGNATURE and TITLE

Date

MONETARY TRANSMITTAL

THIS TRANSMITTAL MUST ACCOMPANY YOUR APPLICATION IN ORDER TO ASSURE PROPER CREDIT.

PLEASE DO NOT SEND CASH.

Please make checks PAYABLE to COMMONWEALTH OF MASSACHUSETTS, ABCC.

Mail this TRANSMITTAL ALONG WITH YOUR CHECK and COMPLETED APPLICATION TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
POST OFFICE BOX 3396
BOSTON, MA 02114 - 3396

APPLICANT MUST COMPLETE THE FOLLOWING:

| | | |
|------------|--------|-----------|
| NAME: | | |
| ADDRESS: | | |
| CITY/TOWN: | STATE: | ZIP CODE: |
| COUNTRY: | DATE: | |

| <u>LICENSE NAME</u> | <u>REV. CODE</u> | <u># OF PERMITS</u> | <u>FEE AMOUNT</u> | <u>TOTAL</u> |
|---|----------------------|-------------------------|-----------------------|--------------|
| AIRLINE MASTER | 3094 | _____ | \$500 | \$ _____ |
| AIRLINE (EACH FLIGHT) | 3094 | _____ | \$50 | \$ _____ |
| BROKERS | 3007 | _____ | \$5000 | \$ _____ |
| BROKERS (ADDITIONAL) | 3007 | _____ | \$500 | \$ _____ |
| BONDED WAREHOUSE | 3095 | _____ | \$1000 | \$ _____ |
| SALESMAN | 3011 | _____ | \$200 | \$ _____ |
| TRANSP. FOR SALESMAN | 3097 | _____ | \$150 | \$ _____ |
| RAILROAD MASTER | 3009 | _____ | \$500 | \$ _____ |
| RAILROAD (EACH RR CAR) | 3009 | _____ | \$50 | \$ _____ |
| STEAMSHIP | 3010 | _____ | \$500 | \$ _____ |
| SHIP CHANDLER | 3099 | _____ | \$1000 | \$ _____ |
| TRANSPORTATION & DELIVERY | 3097 | _____ | \$150 | \$ _____ |
| WAREHOUSEMAN | 3095 | _____ | \$500 | \$ _____ |
| PERMIT TO TRANSPORT FOR RR, SHIP, OR AIRLINE | 3097 | _____ | \$1500 | \$ _____ |

CHECK TOTAL \$ _____